

1 SENATE JOINT MEMORIAL 4

2 **45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE ATTORNEY GENERAL TO STUDY TELEMARKETING
12 PRACTICES AND MECHANISMS USED THROUGHOUT THE COUNTRY TO
13 PROTECT INDIVIDUALS' EXPECTATIONS OF PRIVACY IN THEIR HOMES.

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15 WHEREAS, the use of the telephone to market goods and
16 services to the home is pervasive now due to the increased use
17 of cost-effective telemarketing techniques; and

18 WHEREAS, thirty thousand businesses actively telemarket
19 goods and services to business and residential customers; and

20 WHEREAS, every day, over three hundred thousand
21 solicitors place calls to more than eighteen million
22 Americans, including residents of this state; and

23 WHEREAS, telemarketing can be an intrusive and relentless
24 invasion of the privacy and peacefulness of the home; and

25 WHEREAS, many residents of this state are outraged over
the proliferation of nuisance calls to their homes from
telemarketers; and

WHEREAS, senior citizens are often easy targets of
unscrupulous and repetitive telemarketing practices; and

underscored material = new
~~[bracketed material] = delete~~

1 WHEREAS, individuals' privacy rights and commercial
2 freedom of speech can be balanced in a way that accommodates
3 both the privacy of individuals and legitimate telemarketing
4 practices; and

5 WHEREAS, twenty-eight states, including Arizona, Colorado
6 and Texas, have enacted "do not call" laws to protect their
7 residents' privacy; and

8 WHEREAS, it is in the public interest to establish a
9 mechanism under which the individual residents of this state
10 can decide whether or not to receive telemarketing calls in
11 their homes;

12 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
13 STATE OF NEW MEXICO that the attorney general of New Mexico be
14 requested to take such actions as necessary to study
15 telemarketing practices and the mechanisms used in other
16 states to protect individuals' expectations of privacy in
17 their homes, to solicit public input from the residents of New
18 Mexico and to make recommendations as to what measures can
19 best be applied in New Mexico; and

20 BE IT FURTHER RESOLVED that the office of the attorney
21 general of New Mexico present its findings and recommendations
22 to the appropriate interim committee during the 2002
23 legislative interim; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the office of the attorney general of New
Mexico.